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DATE FILED: 3/23/11

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MANI JACOB and LESLEENA MARS, individually
and on behalf of all others similarly situated,

Plaintiff,

-against-

DUANE READE, INC., DUANE READE
HOLDINGS, INC. and WALGREEN CO.,

Defendants.

Case No. 11-cv-0160 (RMB)

ECF CASE

STIPULATION AND ORDER
DISMISSING WALGREEN CO.
WITHOUT PREJUDICE

IT IS HEREBY STIPULATED, by and between the parties to the above-captioned case, that Defendant Walgreen Co. ("Walgreen") is hereby dismissed from this case without prejudice. Each party will bear their own costs and fees concerning the dismissal of Walgreen.

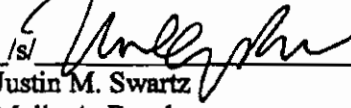
IT IS FURTHER STIPULATED that as a result of Plaintiffs' dismissal of Walgreen as a defendant in this action, Walgreen is neither required to, nor will it, respond to any and all discovery that may be served by the Plaintiffs in this matter.

IT IS FURTHER STIPULATED by and between the parties that in the event that Plaintiffs can successfully bring Walgreen into this matter, the statute of limitations is tolled as to the potential liability of Walgreen from January 7, 2011, the date the Complaint in this matter was filed, to and including the effective date that Walgreen is officially a party of record in the matter.

IT IS FURTHER STIPULATED that on or before March 25, 2011, Plaintiffs will file a Second Amended Complaint amending the beginning of the proposed class period to January 8, 2009, the day after the effective date of the release of claims in the Court approved settlement of *Damassia et al. v. Duane Reade Inc.*, Case No. 04-Civ. 08819 (GEL) and *Chowdhury v. Duane Reade Inc. et al.*, Case No. 06-Civ-02295 (GEL). Defendants' time to respond to the Amended

Complaint is adjourned, and Defendants must respond to the Second Amended Complaint on or before April 5, 2011.

Date: March 22, 2011
New York, New York

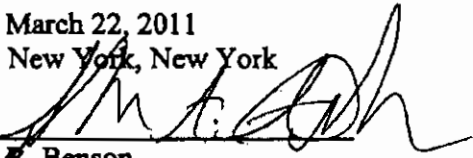
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SO ORDERED: 
HON. RICHARD M. BERMAN, United States District Judge

Dated: 3/23/11, 2011

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